IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 24800 of 2006(B)

PETITIONERS:

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1. MANKARA SERVICE CO-OPERATIVE BANK LTD.,
   NO.P.363, P.O.MANKARA, PALAKKAD DISTRICT,
   REPRESENTED BY ITS SECRETARY IN CHARGE.

2. PRESIDENT,
   MANKARA SERVICE CO-OPERATIVE BANK LTD.,
   NO.P.363, P.O.MANKARA, PALAKKAD DISTRICT.

BY ADV. SRI.N.RAGHURAJ
SRI.A.V.RAVI
SMT.K.AMMINIKUTTY

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   SECRETARY TO GOVERNMENT,
   CO-OPERATION (C) DEPARTMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
   SOCIETIES (GENERAL),
   PALAKKAD.

3. T.S.SELVARAJAN,
   THALAPOTTA HOUSE, KINAVALLOOR POST,
   PARLI, PALAKKAD DISTRICT.

R3 BY ADV. SRI.KRB.KAIMAL(Sr.)
R1 & R2 BY GOVT. PLEADER SRI. P.K. RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.24800 OF 2006.

APPENDIX

PETITIONERS' EXTS:

EXT. P1 : TRUE PHOTOCOPY OF THE DOMESTIC ENQUIRY REPORT DATED 29.5.1999 SUBMITTED BY ENQUIRY OFFICER.

EXT. P2 : TRUE PHOTOCOPY OF THE COMMON JUDGMENT IN O.P. 23663/2002 DATED 24/9/2003 OF THIS HON'BLE COURT.

EXT. P3 : TRUE PHOTO COPYOF THE EXPLANATION DATED 21.10.2003 SUBMITTED BY THE 3RD RESPONDENT BEFORE THE SUB COMMITTEE OF THE BANK.

EXT. P4 : TRUE PHOTO COPY OF THE SUBMISSIONS MADE BY THE 3RD RESPONDENT BEFORE THE SUB COMMITTEE OF THE BANK ON 29.11.2003.

EXT. P5 : TRUE PHOTOCOPY OF THE RESOLUTION NO.1 DATED 20.12.2003 OF THE CONVENOR OF THE SUB COMMITTEE.

EXT. P6 : TRUE PHOTO COPYOF THE PROCEEDINGS DATED 16.12.2004 OF THE MANAGING COMMITTEE OF THE PETITIONER BANK.

EXT. P7 : TRUE PHOTO COPYOF THE ORDER NO.341/2005/CRP DATED 12/9/2005 ISSUED BY THE 2ND RESPONDENT.

EXT. P8 : TRUE PHOTO COPY OF THE APPEAL FILED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT.

EXT. P9 : TRUE PHOTO COPY OF THE G.O. NO.(Rt) NO.51/06/CO-OP DATED 4.2.2006.

RESPONDENTS' EXTS:

EXT. R3(a) : TRUE COPY OF THE SHOW CAUSE NOTICE DATED 7.11.2003 ISSUED BY THE SUB COMMITTEE CONVENER OF THE PETITIOENR BANK TO THE 3RD RESPONDENT.

EXT. R3(b) : TRUE COPY OF THE LETTER DATED 12.11.2003 SUBMITTED BY THE 3RD RESPONDENT TO THE SUB COMMITTEE CONVENOR OF THE PETITIONER BANK.

EXT. R3(c) : TRUE COPY OF THE LETTER DATED 21/11/2003 OF THE SUB COMMITTEE CONVENER OF THE PETITIONER BANK TO THE 3RD RESPONDENT.

EXT. R3(d) : TRUE COPY OF THE REPLY DATED 22.11.2003 SENT BY THE 3RD RESPONDENT TO THE SUB COMMITTEE CONENER OF THE PETITIONER BANK.

EXT. R3(e) : PHOTO COPY OF THE ENVELOP WITH THE STAMP AND REMARKS OF THE POST OFFICE.

K.M.JOSEPH, J.

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WP.(C) No. 24800 of 2006

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Dated this the 15th day of October, 2007

JUDGMENT

Petitioners challenge Exts.P7 and P9. By Ext.P7 the Joint Registrar directed reinstatement of the third respondent with back wages. By Ext.P9 the first respondent dismissed the appeal filed by the petitioners against Ext.P7. One of the contentions raised by the petitioners is that the Joint Registrar has no jurisdiction to direct reinstatement of the third respondent with back wages in view of the fact that this is a matter which is within the exclusive province of the authority under Section 69 of the Act.

2. I heard learned counsel for the respondents also.

3. I feel that the petitioners are entitled to succeed on the short ground that neither the Joint Registrar, who decided Ext.P7, nor the first respondent who passed Ext.P9, have no jurisdiction in view of the amendment to Section 69. Accordingly Exts.P7 and P9 are quashed. But in view of the fact that Ext.P7 is dated 12.9.2005, I further direct that if the third respondent moves the authority under Section 69 within

one month from today, a decision in accordance with law will be taken with opportunity of hearing to the parties, within a period of four months from the date of receipt of the complaint.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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